

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE
OCTOBER 1996 SESSION

FILED
February 20, 1997
Cecil W. Crowson
Appellate Court Clerk

KENNETH WAYNE SAMS,)
)
 APPELLANT,)
)
 v.)
)
 STATE OF TENNESSEE,)
)
 APPELLEE.)

No. 01-C-01-9601-CR-00032
Davidson County
J. Randall Wyatt, Jr., Judge
(Post-Conviction Relief)

FOR THE APPELLANT:

Marian C. Fordyce
Attorney at Law
129 Second Avenue, North
Nashville, TN 37201

FOR THE APPELLEE:

Charles W. Burson
Attorney General & Reporter
500 Charlotte Avenue
Nashville, TN 37243-0497

Michael J. Fahey, II
Assistant Attorney General
450 James Robertson Parkway
Nashville, TN 37243-0493

Victor S. Johnson, III
District Attorney General
Washington Square, Suite 500
222 Second Avenue, North
Nashville, TN 37201-1649

William R. Reed
Assistant District Attorney General
Washington Square, Suite 500
222 Second Avenue, North
Nashville, TN 37201-1649

OPINION FILED: _____

AFFIRMED PURSUANT TO RULE 20

Joe B. Jones, Presiding Judge

OPINION

The appellant, Kenneth Wayne Sams, appeals as of right from the judgment of the trial court dismissing his suit for post-conviction relief after an evidentiary hearing. The trial court found that the pleas of guilty entered by the appellant were voluntarily, knowingly, and intelligently entered. The court further found the appellant received the effective assistance of counsel as guaranteed by the Sixth Amendment to the United States Constitution and Article I, § 9 of the Tennessee Constitution. In this Court, the appellant challenges both findings of fact made by the trial court. After a thorough review of the record, the briefs of the parties, and the authorities which govern this issue, the judgment of the trial court is affirmed pursuant to Rule 20, Tennessee Court of Criminal Appeals.

The appellant and the attorney who represented him testified on behalf of the appellant. The testimony of the witnesses conflicts as to every material fact. The trial court accredited the testimony of the attorney. The evidence in the record does not preponderate against the findings of fact made by the trial court.

JOE B. JONES, PRESIDING JUDGE

CONCUR:

WILLIAM M. BARKER, JUDGE

J. STEVEN STAFFORD, SPECIAL JUDGE